

## **WEDNESDAY, JUNE 6, 2001**

The hour of 2:00 p.m. having arrived, a quorum of the House was not detected.

Article II, Section 11 of the Constitution of the State of Tennessee provides that less than a quorum may adjourn the House from day to day.

A majority of the members present requested that the House recess until 9:00 a.m., Thursday, June 7, 2001.

## **RECESS MOTION**

Without objection, the House stood in recess until 9:00 a.m., Thursday, June 7, 2001.

## **THURSDAY, JUNE 7, 2001**

### **FORTY-SEVENTH LEGISLATIVE DAY**

The House was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

## **ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Shaw; business reasons.

Representative Winningham; business reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 434:** Rep(s). Westmoreland, Brown, Givens, Walker, Baird, Goins, Shepard, Ridgeway, Fitzhugh, Maddox, Curtiss, Overbey and Hargett as prime sponsor(s).

**House Joint Resolution No. 525:** Rep(s). Goins as prime sponsor(s).

**House Joint Resolution No. 527:** Rep(s). Lewis as prime sponsor(s).

**House Joint Resolution No. 528:** Rep(s). Beavers as prime sponsor(s).

**House Joint Resolution No. 538:** Rep(s). Mumpower, Godsey and Patton as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**June 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 397 and 584; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 397** -- Child Custody and Support - Permits any grandparent to petition for visitation; court must determine danger of substantial harm to child and, if such danger is present, determine whether such visitation is in best interests of child. Amends TCA Title 36, Chapter 6, Part 3. by \*Haynes. (HB526 by \*Chumney, \*Patton, \*Garrett, \*Boyer)

**Senate Bill No. 584** -- Criminal Offenses - Creates Class A felony to sell or possess with intent to sell 100 grams or more of any substance containing DMA or MDMA; creates Class B felony to sell or possess with intent to sell 25 grams or more of any substance containing DMA or MDMA. Amends TCA Title 39, Chapter 17. by \*Kyle, \*Burks. (\*HB308 by \*Newton)

**MESSAGE FROM THE SENATE**

**June 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 799.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**June 5, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2017, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**June 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 83, 565, 733, 812, 824, 1002, 1672, 1673, 1973; also, Senate Joint Resolution(s) No(s). 375, 376, 392, 393, 394, 395, 396, 397 and 398 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
June 5, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 83, 565, 733, 812, 824, 1002, 1672, 1673, 1973; also, Senate Joint Resolution(s) No(s). 375, 376, 392, 393, 394, 395, 396, 397 and 398.

**MESSAGE FROM THE GOVERNOR  
June 5, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2012, also, House Joint Resolution(s) No(s). 407; with his approval.

JAY BALLARD, Counsel to the Governor.

**ENROLLED BILLS  
June 5, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 248, 648, 799, 986, 1585, 1735, 1843, also, House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
June 5, 2001**

The Speaker signed the following: House Bill(s) No(s). 248, 648, 799, 986, 1585, 1735, 1843; also, House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
June 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 248, 648, 799, 986, 1585, 1735, 1843; also, House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 5, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 248, 648, 799, 986, 1585, 1735, 1843; also, House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 426; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 426** -- Memorials, Professional Achievement - Robert Redford. by \*Cohen, \*Atchley, \*Burchett, \*Burks, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Eisea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Norris, \*Person, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 419; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 419** -- Memorials, Recognition - New Downtown Nashville Public Library. by \*Henry, \*Harper.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 427; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 427** -- Memorials, Sports - Tim Irwin, Knoxville Sports Hall of Fame. by \*Burchett, \*Atchley.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 421 and 428; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 421** -- Memorials, Personal Occasion - Roy and Joan Ferguson, 50th wedding anniversary. by \*Trail.

**Senate Joint Resolution No. 428** -- Memorials, Death - Rebecca McElroy Finn. by \*Crutchfield, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 358, 386, 387, 388, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 416, 417 and 418; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Joint Resolution No. 358** -- General Assembly, Studies - Creates special joint committee to study issues pertaining to implementation of lottery. by \*Cohen.

**Senate Joint Resolution No. 386** -- Memorials, Interns - Legislative Intern Class of 2001. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 387** -- Memorials, Interns - Kimberly Lee Young. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 388** -- Memorials, Recognition - Jonathan P. Goodwin. by \*Burks.

**Senate Joint Resolution No. 400** -- Memorials, Heroism - Petty Officer James L. Fumage. by \*Crowe.

**Senate Joint Resolution No. 401** -- Memorials, Heroism - Petty Officer Kenneth M. King. by \*Crowe.

**THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 402** -- Memorials, Retirement - Roy and Shirley Hornsby and George Crews, Hicks Composition Service. by \*Kyle.

**Senate Joint Resolution No. 403** -- Memorials, Academic Achievement - Cameron Leigh Armstrong, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 404** -- Memorials, Academic Achievement - Jae Lindsay Dedmon, Salutatorian, Camden Central High School. by \*Herron.

**Senate Joint Resolution No. 405** -- Memorials, Academic Achievement - Jay Tucker, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 406** -- Memorials, Academic Achievement - Benjamin Milton West, Valedictorian, Union City High School. by \*Herron.

**Senate Joint Resolution No. 407** -- Memorials, Academic Achievement - Stephanie Gardner, Salutatorian, Dresden High School. by \*Herron.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement - Steven Randall Robertson, Valedictorian, Camden Central High School. by \*Herron.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement - Heather Lea Holder, Salutatorian, Westview High School. by \*Herron.

**Senate Joint Resolution No. 410** -- Memorials, Academic Achievement - Jeremy Allen, Valedictorian, Big Sandy High School. by \*Herron.

**Senate Joint Resolution No. 411** -- Memorials, Academic Achievement - Sarah Catherine Anthony, Valedictorian, Westview High School. by \*Herron.

**Senate Joint Resolution No. 412** -- Memorials, Academic Achievement - David McKinley Brock, Salutatorian, Union City High School. by \*Herron.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement - Wes Todd, Salutatorian, Lake County High School. by \*Herron, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 414** -- Memorials, Academic Achievement - Katie Troutman, Valedictorian, Lake County High School. by \*Herron.

**Senate Joint Resolution No. 416** -- Memorials, Death - Riley Bill Cobb. by \*Crowe.

**Senate Joint Resolution No. 417** -- Memorials, Congratulations - Eakin Elementary School, honorable mention in National Trust for Historic Preservation's nationwide poster contest. by \*Harper, \*Henry, \*Haynes.

**THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 418** -- Memorials, Recognition - Country Music Hall of Fame, by \*Harper, \*Henry, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**DELAYED BILLS REFERRED**

**June 5, 2001**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2027, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2027** -- Motor Vehicles, Titling and Registration - Authorizes issuance of license plates for Tennessee Democratic Party and Tennessee Republican Party. Amends TCA Title 55, Chapter 4, by \*Rinks.

**REPORT OF DELAYED BILLS COMMITTEE**

**June 6, 2001**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2018 and 2027.

Jimmy Naifeh, Speaker  
Gene Davidson  
Steve McDaniel

**DELAYED BILLS REFERRED**

**June 6, 2001**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2028, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2028** -- Driver Licenses - Requires affidavit that no social security number was issued and submission of IRS I 94 form in order for person without social security number to be issued license; redefines "resident" for purposes of driver license issuance. Amends TCA Section 55-50-102 and Section 55-50-321. by \*Turner (Davidson), \*Shaw.

**BILLS REFERRED**

**June 6, 2001**

Pursuant to **Rule No. 44**, the following bill(s) was/were referred to the following Committee(s):

**\*House Bill No. 2018** -- Telecommunications -- House Finance, Ways and Means Committee



## THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY

**\*House Bill No. 2027** -- Motor Vehicles, Titling and Registration – House Finance, Ways and Means Committee

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 143** -- General Assembly, Studies - Cretes special house committee to study administration of Senior Community Service Employment Program for Older Americans. by \*Stanley, \*Bowers, \*DeBerry L, \*Turner (Davidson), \*Chumney, \*DeBerry J, \*Jones U (Shelby), \*Miller L, \*Pleasant, \*Hargett.

House Finance, Ways and Means Committee

**\*House Resolution No. 144** -- General Assembly, Directed Studies - Directs study relative to development of educational center focused on international trade. by \*Cooper B, \*DeBerry J, \*Jones U (Shelby), \*Towns, \*Brooks.

House Finance, Ways and Means Committee

**\*House Joint Resolution No. 537** -- General Assembly, Directed Studies - Directs study relative to development of educational center focused on international trade. by \*Cooper B, \*DeBerry J, \*Jones U (Shelby), \*Towns, \*Brooks.

House Finance, Ways and Means Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 11, 2001:

**House Resolution No. 148** -- Memorials, Professional Achievement - Pat Estes, 2001 Tree Farm of the Year. by \*Tidwell.

**House Joint Resolution No. 547** -- Memorials, Retirement - Jennifer Helton Hann, Senior Legislative Attorney, Office of Legal Services. by \*Chumney, \*DeBerry J, \*Maddox, \*Fitzhugh, \*White, \*Patton, \*Bowers, \*Brown, \*Scroggs, \*Rowland, \*Black, \*Williams (Williamson), \*Fowlkes.

**House Joint Resolution No. 548** -- Memorials, Academic Achievement - Matt Marston, Salutatorian, Cordova High School. by \*Stanley.

**House Joint Resolution No. 549** -- Memorials, Personal Occasion - Joseph and Patricia Orsak, 50th wedding anniversary. by \*Hargett, \*Pleasant.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 11, 2001:

**Senate Joint Resolution No. 386** -- Memorials, Interns - Legislative Intern Class of 2001. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 387** -- Memorials, Interns - Kimberly Lee Young. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 388** -- Memorials, Recognition - Jonathan P. Goodwin. by \*Burks.

**Senate Joint Resolution No. 400** -- Memorials, Heroism - Petty Officer James L. Fumage. by \*Crowe.

**Senate Joint Resolution No. 401** -- Memorials, Heroism - Petty Officer Kenneth M. King. by \*Crowe.

**Senate Joint Resolution No. 402** -- Memorials, Retirement - Roy and Shirley Hornsby and George Crews, Hicks Composition Service. by \*Kyle.

**Senate Joint Resolution No. 403** -- Memorials, Academic Achievement - Cameron Leigh Armstrong, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 404** -- Memorials, Academic Achievement - Jae Lindsay Dedmon, Salutatorian, Camden Central High School. by \*Herron.

**Senate Joint Resolution No. 405** -- Memorials, Academic Achievement - Jay Tucker, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 406** -- Memorials, Academic Achievement - Benjamin Milton West, Valedictorian, Union City High School. by \*Herron.

**Senate Joint Resolution No. 407** -- Memorials, Academic Achievement - Stephanie Gardner, Salutatorian, Dresden High School. by \*Herron.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement - Steven Randall Robertson, Valedictorian, Camden Central High School. by \*Herron.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement - Heather Lea Holder, Salutatorian, Westview High School. by \*Herron.

## THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY

**Senate Joint Resolution No. 410** -- Memorials, Academic Achievement - Jeremy Allen, Valedictorian, Big Sandy High School. by \*Herron.

**Senate Joint Resolution No. 411** -- Memorials, Academic Achievement - Sarah Catherine Anthony, Valedictorian, Westview High School. by \*Herron.

**Senate Joint Resolution No. 412** -- Memorials, Academic Achievement - David McKinley Brock, Salutatorian, Union City High School. by \*Herron.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement - Wes Todd, Salutatorian, Lake County High School. by \*Herron, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 414** -- Memorials, Academic Achievement - Katie Troutman, Valedictorian, Lake County High School. by \*Herron.

**Senate Joint Resolution No. 416** -- Memorials, Death - Riley Bill Cobb. by \*Crowe.

**Senate Joint Resolution No. 417** -- Memorials, Congratulations - Eakin Elementary School, honorable mention in National Trust for Historic Preservation's nationwide poster contest. by \*Harper, \*Henry, \*Haynes.

**Senate Joint Resolution No. 418** -- Memorials, Recognition - Country Music Hall of Fame. by \*Harper, \*Henry, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 421** -- Memorials, Personal Occasion - Roy and Joan Ferguson, 50th wedding anniversary. by \*Trail.

**Senate Joint Resolution No. 428** -- Memorials, Death - Rebecca McElroy Finn. by \*Crutchfield, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 427** -- Memorials, Sports - Tim Irwin, Knoxville Sports Hall of Fame. by \*Burchett, \*Atchley.

## INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 2018** -- Telecommunications - Redefines "telephone solicitation"; specifies that telephone requests for charitable contributions must be made by bona fide member, volunteer, or direct employee of non-profit organization. Amends TCA Section 65-4-401. by \*Kisber.

## **THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

**\*House Bill No. 2027** -- Motor Vehicles, Titling and Registration - Authorizes issuance of license plates for Tennessee Democratic Party and Tennessee Republican Party. Amends TCA Title 55, Chapter 4. by \*Rinks.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 397** -- Child Custody and Support - Permits any grandparent to petition for visitation; court must determine danger of substantial harm to child and, if such danger is present, determine whether such visitation is in best interests of child. Amends TCA Title 36, Chapter 6, Part 3. by \*Haynes. (HB526 by \*Chumney, \*Patton, \*Garrett, \*Boyer)

**Senate Bill No. 584** -- Criminal Offenses - Creates Class A felony to sell or possess with intent to sell 100 grams or more of any substance containing DMA or MDMA; creates Class B felony to sell or possess with intent to sell 25 grams or more of any substance containing DMA or MDMA. Amends TCA Title 39, Chapter 17. by \*Kyle, \*Burks. (\*HB308 by \*Newton)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 2019** -- Paris -- Local Bill Held on House Desk

**\*House Bill No. 2021** -- Milan -- Local Bill Held on House Desk

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **June 6, 2001**, reported the following:

#### **FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2018, 624, House Joint Resolution(s) No(s). 162, also House Bill(s) No(s). 1719, 708, 1281 and House Joint Resolution(s) No(s). 434 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **June 7, 2001**: House Bill(s) No(s). 1719, 1281, House Joint Resolution(s) No(s). 434, 162, House Bill(s) No(s). 1281 and 624.

CONSENT CALENDAR

**House Resolution No. 142** -- Memorials, Sports - Andrea Kulman, Lambuth University signee. by \*Todd.

**House Joint Resolution No. 525** -- Memorials, Death - Larry Dilbeck. by \*Baird.

**House Joint Resolution No. 527** -- Memorials, Retirement - John Bryan Freeman. by \*Bone.

**House Joint Resolution No. 528** -- Memorials, Recognition - Wilson Central High School. by \*Bone.

**House Joint Resolution No. 529** -- Memorials, Sports - Bearden High School Boys' Tennis Team, 2001 TSSAA Division 1 Class AAA State Champions. by \*Buttry, \*Hagood.

**House Joint Resolution No. 530** -- Memorials, Sports - Bearden High School boys' soccer team, 2001 Class AAA state soccer champions. by \*Buttry, \*Hagood.

**House Joint Resolution No. 531** -- Memorials, Recognition - Natalie Baggett Walker. by \*McMillan.

**House Joint Resolution No. 532** -- Memorials, Sports - Giles County High School Lady Bobcats, TSSAA Class AA State Girls' Softball Champions. by \*Fowlkes.

**House Joint Resolution No. 533** -- Memorials, Death - Richard E. Lacey. by \*Cooper B, \*Brooks, \*Towns, \*Bowers, \*DeBerry L, \*DeBerry J, \*Jones U (Shelby), \*Kernell.

**House Joint Resolution No. 534** -- Memorials, Recognition - Harding Academy, history of excellence. by \*DeBerry J, \*Jones U (Shelby).

**House Joint Resolution No. 535** -- Memorials, Retirement - Patricia Ann Garrett. by \*Chumney, \*Brooks, \*Miller L, \*Cooper B, \*Towns, \*Bowers, \*DeBerry L.

**Senate Joint Resolution No. 379** -- Memorials, Professional Achievement - Eubank Asphalt recipient of TDOT road paving awards. by \*Jackson.

**Senate Joint Resolution No. 380** -- Memorials, Personal Occasion - Thomas William and Pamela Lynn Hughes, 25th wedding anniversary. by \*Jackson.

**Senate Joint Resolution No. 385** -- Memorials, Death - Grady F. Terrell, Jr. by \*Ford J, \*Dixon, \*Kyle.

**Senate Joint Resolution No. 389** -- Memorials, Congratulations - Tammy Payne, 2001 DeKalb West Elementary School Teacher of the Year. by \*Burks.

**Senate Joint Resolution No. 390** -- Memorials, Academic Achievement - Kelsey Bitting, Salutatorian, Tullahoma High School. by \*Burks.

**Senate Joint Resolution No. 391** -- Memorials, Academic Achievement - Tracy Masuda, Valedictorian, Tullahoma High School. by \*Burks.

**Senate Joint Resolution No. 415** -- Memorials, Retirement - Lillian Lasher. by \*Graves.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

## REGULAR CALENDAR

**\*House Bill No. 652** -- Taxes, Ad Valorem - Prohibits assessment of property tax on stock of industrial loan and thrift companies. Amends TCA Title 67, Chapter 5, Part 11. by \*Head. (SB1510 by \*Rochelle)

Further consideration of House Bill No. 652 previously considered on June 4, 2001, at which time it was reset for today's Calendar.

## BILL RE-REFERRED

Rep. Head moved that House Bill No. 652 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1749** -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by \*Turner (Hamilton). (\*SB1728 by \*Crowe)

Further consideration of House Bill No. 1749 previously considered on May 16, 2001, May 21, 2001, May 29, 2001, May 31, 2001 and June 4, 2001, at which time the House withdrew Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s). 2 when the bill was reset for today's Calendar.

Rep. Turner (Hamilton) moved that House Bill No. 1749 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1749 by deleting from the amendatory language of subsection (o) of SECTION 1 the words "prospective transferee" each time they appear in the subsection and substituting instead the word "purchaser".

FURTHER AMEND by deleting subsection (p) of SECTION 1 in its entirety and substituting instead the following:

(p) Upon receipt of the criminal history challenge form indicating a purchaser's request for review of the denial, the bureau shall proceed with efforts to obtain the final disposition information. The purchaser may attempt to assist the bureau in obtaining the final disposition information. If neither the purchaser nor the bureau are able to obtain the final disposition information within fifteen (15) calendar days of the bureau's receipt of the criminal history challenge form, the bureau shall immediately notify the federal firearms licensee that the transaction that was initially denied is now a "conditional proceed". A "conditional proceed" means that the federal firearm licensee may lawfully transfer the firearm to the purchaser.

FURTHER AMEND by adding the following new subsection (q) to the amendatory language of SECTION 1:

(q) In any case in which the transfer has been denied pursuant to subsection (o) of this section, the inability of the bureau to obtain the final disposition of a case shall not constitute the basis for the continued denial of the transfer as long as the bureau receives written notice signed and verified by the clerk of the court or the clerk's designee that indicates that no final disposition information is available. Upon receipt of such letter by the bureau, the bureau shall immediately reverse the denial.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. Briley moved the previous question on Amendment No. 2, which motion failed.

Rep. Bittle moved that House Bill No. 1749 be reset for the Regular Calendar on June 11, 2001.

Rep. Turner (Hamilton) moved that the motion to reset House Bill No. 1749 for the Regular Calendar on June 11, 2001 be tabled, which motion failed by the following vote:

Ayes .....	8
Noes .....	62

Representatives voting aye were: Armstrong, Beavers, Briley, Brown, Chumney, Miller, Todd, Windle -- 8.

Representatives voting no were: Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Pinion, Pleasant, Rhinehart, Ridgeway, Rowland, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Wood -- 62.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1749 and have this statement entered in the Journal: Rep(s). Beavers.

**REGULAR CALENDAR, CONTINUED**

**SPECIAL ORDER**

Rep. Bittle moved that House Bill No. 1749 be reset for the Regular Calendar on June 11, 2001, which motion prevailed.



REGULAR CALENDAR, CONTINUED

**Senate Bill No. 667** -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by \*Jackson. (\*HB147 by \*Odom)

Further consideration of Senate Bill No. 667 previously considered on May 23, 2001 and June 4, 2001, at which time the bill was reset for today's Calendar. The bill was also considered on May 31, 2001, at which time the House was on the motion to withdraw Amendment(s) No(s). 1.

Rep. Odom moved that Senate Bill No. 667 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 667** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**Senate Bill No. 1789** -- Aged Persons - Revises duties of commission on aging to include services to disabled persons; increases membership of commission to include executive director of Tennessee Developmental Council. Amends TCA Title 71, Chapter 2. by \*Harper, \*Trail, \*Burchett, \*Burks. (\*HB1624 by \*Kernell, \*Cooper B, \*Pruitt, \*Patton, \*Odom, \*Davis (Washington), \*Montgomery, \*Bowers, \*Arriola, \*Walker, \*Langster)

Further consideration of Senate Bill No. 1789 previously considered on May 16, 2001, May 23, 2001 and June 4, 2001, at which time the bill was reset for today's calendar. The bill was also considered on May 31, 2001, at which time the House adopted Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s) 2.

Rep. Kernell moved that Senate Bill No. 1789, as amended, be passed on third and final consideration.

Rep. Odom moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1789 By adding the following as a new, appropriately designated section:

SECTION \_\_\_. Tennessee Code Annotated, Title 71, Chapter 2, Part 1, is amended by adding the following new section:

Section 71-2-112. (a) The commission on aging and disability shall require its contractors, grantees, and subcontractors to verify individual background information for newly-hired employees and volunteers who provide direct care for, have direct contact with, or have direct responsibility for the safety and care of disabled or elderly persons in their homes.

(b) The commission on aging and disability shall promulgate rules which develop standard procedures specifying minimum requirements applicable to verifying individual background information or performing a criminal history background check of all paid or volunteer in-home care providers for vulnerable elderly and disabled persons. The commission is expressly authorized to promulgate such rules as public necessity rules pursuant to section 4-5-209(a)(4) to provide an immediate effective date.

(c) If the criminal history background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, it shall be conducted by the submission of fingerprint cards to the Tennessee bureau of investigation or the federal bureau of investigation. Any cost incurred by the Tennessee bureau of investigation or the federal bureau of investigation shall be paid by the organization requesting such investigation and information. If a criminal history background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, the payment of such costs shall be made in the amounts established by § 38-6-103.

On motion, Amendment No. 2 was adopted.

Rep. Brown requested that Senate Bill No. 1789 be moved to the heel of the Calendar.

**House Bill No. 2024** -- Fayette County - Subject to local approval, authorizes imposition of adequate facilities tax. by \*Fitzhugh, \*Naifeh. (SB1988 by \*Wilder)

Further consideration of House Bill No. 2024 previously considered on June 4, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 2024 was made to conform with **Senate Bill No. 1988**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 1988 be passed on third and final consideration.

**SPECIAL ORDER**

Rep. Head moved that Senate Bill No. 1988 be reset for the Regular Calendar on July 12, 2001, behind House Bill No. 295, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 295** -- Taxes - Authorizes counties to impose local option realty transfer tax. Amends TCA Title 67, Chapter 4, Part 5. by \*Head, \*Fitzhugh. (SB1235 by \*Cooper J)

Further consideration of House Bill No. 295 previously considered on May 9, 2001, May 17, 2001, May 24, 2001 and May 31, 2001, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill No. 295 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

**House Bill No. 1184** -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by \*Sands, \*Buck, \*McMillan, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Jones, S., \*Towns, \*Cooper B. (\*SB1347 by \*Haynes)

Further consideration of House Bill No. 1184 previously considered on June 4, 2001, at which time it was reset for today's Calendar. The bill was also considered on May 31, 2001, at which time Amendment(s) No(s). 1 was placed at the heel of the Amendments and the House adopted Amendment(s) No(s). 2 and 3.

On motion, House Bill No. 1184 was moved to the heel of the Calendar.

**House Bill No. 1555** -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20. by \*Jones U (Shelby), \*Miller L, \*Turner (Davidson), \*McDaniel, \*DeBerry J, \*Kent, \*Todd, \*Pleasant, \*McMillan, \*Buck, \*Sands, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Armstrong. (\*SB1013 by \*Ramsey, \*McNally)

Further consideration of House Bill No. 1555 previously considered on June 4, 2001, at which time it was reset for today's Calendar.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

SPECIAL ORDER

Rep. U. Jones requested that House Bill No. 1555 be moved to the heel of the Calendar and placed behind House Bill No. 1184.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by \*Buck, \*Jones U (Shelby), \*DeBerry J, \*Miller L, \*Pleasant, \*Kent, \*Cole (Carter). (SB1801 by \*Dixon)

Further consideration of House Bill No. 1548 previously considered on May 17, 2001, May 24, 2001, May 29, 2001 and June 4, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1548 was moved to the heel of the Calendar and placed behind House Bill 1555.

**\*House Bill No. 1650** -- General Assembly - Revises duties and removes obsolete references in law establishing legislative offices. Amends TCA Section 2-3-102; Section 3-1-103; Title 3; Section 4-15-102; Section 49-9-401 and Section 49-50-603. by \*Davidson. (SB1897 by \*Cooper J)

Further consideration of House Bill No. 1650 previously considered on June 4, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1650 was made to conform with **Senate Bill No. 1897**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 1897 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Davidson moved that Senate Bill No. 1897 be held on the Clerk's desk, which motion prevailed.

**House Bill No. 1719** -- Foster Care - Revises department of children's services annual report requirements. Amends TCA Title 36 and Title 37. by \*DeBerry L. (\*SB1318 by \*Graves)

On motion, House Bill No. 1719 was made to conform with **Senate Bill No. 1318**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1318 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1318 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 3, is amended by adding a new Section 37-5-317 as follows:

Section 37-5-317.

(a) Notwithstanding any provisions of law to the contrary, including Tennessee Code Annotated, Section 8-30-309, and recognizing the years of faithful and dedicated service to the state of Tennessee by the employees of the community services agencies, community services agency employees who serve in jobs that would be classified as career service as defined in Tennessee Code Annotated, Section 8-30-208, had they been employed in the State Service, and whose functions and positions are transferred to the department of children's services by the commissioner on or before July 1, 2002 for the purpose of separating and standardizing department and community services agencies functions, shall be transferred into the department of children's services and shall receive the benefits and protection of career service status and shall be eligible for participation in the state health insurance plan upon passage of this act without further examination or competition.

(b) No employee so transferred shall be subject to the provisions of Tennessee Code Annotated, Sections 8-30-312 through 8-30-314 as a result of this transfer if such employee has worked for the community services agencies for a length of time equal to the probationary period applying to the equivalent civil service position and, if not, the employee shall complete the probationary period after their transfer to the department of children's services.

(c) All such transfers shall take place no later than July 1, 2002.

(d) Transfers of employees from the community services agencies to the department of children's services pursuant to this chapter shall not result in any diminution, impairment or interruption of current salary, accrued sick and annual leave, seniority, participation in the Tennessee consolidated retirement system, or amounts already accrued under a deferred compensation plan, however this shall not impair the department's authority, through establishing policies and procedures, to correct salary disparities through the promotional process.

(e) Any employee so transferred shall be eligible for promotion pursuant to the provisions of Title 8, Chapter 30 after the transfer takes effect.

(f) This section shall not apply to county or metropolitan government employees providing services for the community service agencies pursuant to Tennessee Code Annotated,

Section 37-5-304(e).

SECTION 2. Tennessee Code Annotated, Section 37-5-304, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The commissioner may establish multi-county community service agencies combining rural areas of the state coterminous with the boundary lines of the rural regions of the department established by the commissioner and urban regions set forth in subsection (b).

SECTION 3. Tennessee Code Annotated, Section 37-5-307(2), is amended by deleting the language "§11" and by substituting instead the language "§37-5-310".

SECTION 4. Tennessee Code Annotated, Section 37-5-308, is amended by deleting the language "§11" and by substituting instead the language "§37-5-310".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 to Amendment No. 1 as follows:

**Amendment No. 1 to 1**

AMEND Senate Bill No. 1318 By deleting the language "through the promotional process" from subsection (d) of the amendatory Section 37-5-317 in Section 1.

On motion, Finance, Ways and Means Committee Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Kisber moved that Amendment No. 1 as amended, be adopted which motion prevailed.

Rep. L. Deberry moved that **Senate Bill No. 1318**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 434** -- General Assembly, Statement of Intent or Position - Urges Tennessee State Veterans' Homes Board to select site for veterans' home. by \*Tindell, \*Armstrong, \*Dunn, \*Buttry, \*Hagood, \*Boyer, \*Bittle, \*Winningham, \*Montgomery, \*McCord, \*Ferguson, \*Johnson, \*Windle, \*Caldwell.

Rep. Tindell moved that House Joint Resolution No. 434 be adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 434 By deleting all language in its entirety including the caption and by substituting instead the following language:

A RESOLUTION to urge the governor to seek funding for a new East Tennessee Veterans' Nursing Home.

WHEREAS, Throughout our country's existence, the members of the United States armed forces have unselfishly paid the price of freedom for their friends, their families and for all of us; and the Volunteer State is especially proud to have so many valiant men and women who have performed above and beyond the call of duty; and

WHEREAS, In recognition of the unique needs of Tennessee's veterans, this legislative body enacted Public Chapter 899 in 1988, establishing Tennessee State Veterans' Homes to provide care and support for honorably discharged veterans in their golden years; and

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WHEREAS, Since the enactment of Public Chapter 899, two such veterans' homes have been opened and are operational, one in Humboldt and the other in Murfreesboro; and

WHEREAS, The Code of Federal Regulations recognizes Tennessee as needing 1,325 beds to provide adequate nursing home care for eligible veterans; and

WHEREAS, Currently the construction of a third veterans home is being discussed, with costs to be shared by the state and federal governments respectively; and

WHEREAS, This legislative body heartily concurs in such action, to recognize all those sons and daughters of Tennessee who served in the armed forces in order that we might enjoy the many bounties of democracy and the American way of life; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That we hereby urge the governor to seek funding for a new East Tennessee Veterans' Nursing Home.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to governor.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Tindell moved that all members voting aye on House Joint Resolution No. 434 be added as sponsors, which motion was immediately withdrawn.

Rep. Tindell moved that **House Joint Resolution No. 434**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....97  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.



**\*House Joint Resolution No. 162** -- Highway Signs - "Joseph Julian Henry Memorial Bridge," S.R. 75 over Holston River in Sullivan County, by \*Godsey, \*Mumpower, \*Westmoreland.

Rep. Godsey moved that House Joint Resolution No. 162 as be adopted.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 162 By adding the following new resolving clauses to the end of the printed resolution:

BE IT FURTHER RESOLVED, That this resolution shall become operative only if Sullivan County, Tennessee, either (1) remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this resolution, or (2) manufactures and erects such signs pursuant to state and federal guidelines and as approved by the Department. If electing option (1), Sullivan County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The Department shall return any unused portion of the estimated cost to Sullivan County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Sullivan County shall remit an amount equal to the difference in such costs to the Department within thirty (30) days of receiving an itemized invoice of the actual cost from the Department.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be transmitted to the Commissioner of Transportation.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Godsey moved that **House Joint Resolution No. 162**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1281** -- Taxes, Business - Clarifies that additional consideration received by dealer from lender for sale or assignment to lender of chattel lease or conditional sales contract is not within definition of "sales price" for purposes of business tax. Amends TCA Title 67. by \*Kisber. (\*SB633 by \*Clabough)

On motion, House Bill No. 1281 was made to conform with **Senate Bill No. 633**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 633 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 633 By inserting in the amendatory language of Section 1 the language "motor vehicle" after the language "received by a" and before the language "dealer".

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 633**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

**House Bill No. 624** -- Taxes - Provides for continuation of Tennessee inheritance, estate, and generation-skipping transfer taxes notwithstanding any change in estate taxation under federal law. Amends TCA Title 67, Chapter 8. by \*Kisber. (\*SB630 by \*Cooper J)

Rep. Kisber moved that **House Bill No. 624** be passed on third and final consideration, which motion failed by the following vote:

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Ayes .....	46
Noes .....	38
Present and not voting .....	9

Representatives voting aye were: Armstrong, Bittle, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Fowlkes, Fraley, Givens, Hood, Jones U, Kent, Kernell, Kisber, Langster, McDaniel, McKee, Miller, Montgomery, Phelan, Phillips, Pinion, Rhinehart, Rinks, Roach, Sargent, Scroggs, Shepard, Stanley, Tidwell, Tindell, Whitson, Williams, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Arriola, Baird, Black, Bone, Clem, Ferguson, Fitzhugh, Garrett, Goins, Hagood, Hargett, Hargrove, Harwell, Johnson, Jones S, Lewis, Maddox, McCord, McMillan, Odom, Overbey, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Sharp, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Wood -- 38.

Representatives present and not voting were: Beavers, Brooks, Bunch, Chumney, Davis (Washington), Ford, McDonald, Mumpower, Patton -- 9.

Having failed to receive a constitutional majority, House Bill No. 624 was re-referred to the House Committee on Calendar and Rules.

**Senate Bill No. 1789** -- Aged Persons - Revises duties of commission on aging to include services to disabled persons; increases membership of commission to include executive director of Tennessee Developmental Council. Amends TCA Title 71, Chapter 2, by \*Harper, \*Trail, \*Burchett, \*Burks. (\*HB1624 by \*Kernell, \*Cooper B, \*Pruitt, \*Patton, \*Odom, \*Davis (Washington), \*Montgomery, \*Bowers, \*Arriola, \*Walker, \*Langster)

Further consideration of Senate Bill No. 1789 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 2.

Rep. Kernell moved that **Senate Bill No. 1789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

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Representatives voting no were: Stanley -- 1.

A motion to reconsider was tabled.

**House Bill No. 1184** -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by \*Sands, \*Buck, \*McMillan, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Jones, S., \*Towns, \*Cooper B. (\*SB1347 by \*Haynes)

Further consideration of House Bill No. 1184 previously considered on today's Calendar.

On motion, House Bill No. 1184 was moved to the heel of the Calendar.

**House Bill No. 1555** -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20. by \*Jones U (Shelby), \*Miller L, \*Turner (Davidson), \*McDaniel, \*DeBerry J, \*Kent, \*Todd, \*Pleasant, \*McMillan, \*Buck, \*Sands, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Armstrong. (\*SB1013 by \*Ramsey, \*McNally)

Further consideration of House Bill No. 1555 previously considered on today's Calendar.

On motion, House Bill No. 1555 was moved to the heel of the Calendar and placed behind House Bill No. 1184.

**\*House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by \*Buck, \*Jones U (Shelby), \*DeBerry J, \*Miller L, \*Pleasant, \*Kent, \*Cole (Carter). (SB1801 by \*Dixon)

Further consideration of House Bill No. 1548 previously considered on today's Calendar.

On motion, House Bill No. 1548 was moved to the heel of the Calendar and placed behind House Bill No. 1555.

**House Bill No. 1184** -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by \*Sands, \*Buck, \*McMillan, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Jones, S., \*Towns, \*Cooper B. (\*SB1347 by \*Haynes)

Further consideration of House Bill No. 1184 previously considered on today's Calendar.

On motion, House Bill No. 1184 was reset for the Regular Calendar on June 11, 2001.

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**House Bill No. 1555** -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20, by \*Jones U (Shelby), \*Miller L, \*Turner (Davidson), \*McDaniel, \*DeBerry J, \*Kent, \*Todd, \*Pleasant, \*McMillan, \*Buck, \*Sands, \*Briley, \*Newton, \*Boyer, \*Scroggs, \*Armstrong. (\*SB1013 by \*Ramsey, \*McNally)

Further consideration of House Bill No. 1555 previously considered on today's Calendar.

On motion, House Bill No. 1555 was reset for the Regular Calendar on June 11, 2001 and placed behind House Bill No. 1184.

**\*House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209, by \*Buck, \*Jones U (Shelby), \*DeBerry J, \*Miller L, \*Pleasant, \*Kent, \*Cole (Carter). (SB1801 by \*Dixon)

Further consideration of House Bill No. 1548 previously considered on today's Calendar.

On motion, House Bill No. 1548 was reset for the Regular Calendar on June 11, 2001 and placed behind House Bill No. 1555.

## **MESSAGE CALENDAR**

### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 524** -- Juvenile Offenders - Requires department of children's services to report on child sexual abuse to house and senate House Judiciary Committees, house House Children and Family Affairs Committee, and select committee on children and youth by January 15 each year; adds house House Children and Family Affairs Committee to those receiving department's annual report. Amends TCA Title 37, Chapter 5 and Title 37, Chapter 1, by \*Chumney. (SB984 by \*Haynes)

Further consideration of House Bill No. 524 previously considered on June 4, 2001, at which time it was reset for today's Message Calendar.

### **Senate Amendment No. 2**

AMEND House Bill No. 524 by deleting Sections 3 and 4 in their entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 37-1-612(c), is amended by deleting the word "and" at the end of subdivision (4), and by adding the following language as new, appropriately designated subdivisions:

(6) An attorney or next friend who is authorized to act on behalf of the child, who is the subject of the records, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator; and

(7) An attorney or next friend who is authorized to act on behalf of another child, who has been the victim of other abuse by the same perpetrator, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator against such other child; provided however, that:

(A) The name and identity of such other child shall be revealed only to the attorney or next best friend of such other child, to the parties and to their respective counsel in the civil cause of action in which such damages or other remedies are sought, and to the trial judge who presides over the action;

(B) An appropriate protective order must be entered prior to such disclosure; and

(C) Before any attempt is made to introduce into evidence in the civil cause of action either the records or information obtained from the records, written consent must be obtained from:

(i) Each parent or guardian having sole or joint custody of such other child, if the child has not yet attained the age of majority; or,

(ii) The former child, if he or she has now attained the age of majority.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any investigation or any civil cause of action pending or filed on or after the effective date of this act.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 524, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

## THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

### UNFINISHED BUSINESS

#### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for June 7, 2001:

**House Resolution No. 145** -- Memorials, Professional Achievement - Rodney D. Simmons. by \*Phillips.

**House Resolution No. 146** -- Memorials, Retirement - Dr. Samuel E. Bratton, Jr. by \*Boyer.

**House Resolution No. 147** -- Memorials, Professional Achievement - Terry Hayes, Tennessee Forestry Association 2001 Logger of the Year. by \*McKee.

**House Joint Resolution No. 536** -- Memorials, Academic Achievement - Brooke Longmire, perfect attendance. by \*Goins.

**House Joint Resolution No. 538** -- Memorials, Recognition - Crumley House, day treatment rehabilitation program for brain injury survivors. by \*Davis (Washington).

**House Joint Resolution No. 539** -- Memorials, Public Service - Urania Latto Alissandratos. by \*DeBerry J.

**House Joint Resolution No. 540** -- Memorials, Public Service - A.D. Alissandratos. by \*DeBerry J.

**House Joint Resolution No. 541** -- Memorials, Interns - Douglas M. Pearce. by \*Jones U (Shelby).

**House Joint Resolution No. 542** -- Memorials, Personal Occasion - Jonathan William Wagner, birth. by \*Mumpower, \*Godsey, \*Westmoreland, \*Davis (Washington).

**House Joint Resolution No. 543** -- Memorials, Retirement - Lester Dale Crews. by \*McDaniel.

## **THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

**House Joint Resolution No. 544** -- Memorials, Sports - Germantown High School Baseball Team, 2001 TSSAA Class AAA State Champions. by \*Scroggs, \*Kent, \*Stanley.

**House Joint Resolution No. 545** -- Memorials, Personal Achievement - Christopher David Pickler, Tennessee Eagle Scout of the Year. by \*Stanley.

**House Joint Resolution No. 546** -- Memorials, Academic Achievement - Sarah Elizabeth Taylor, Valedictorian, Cordova High School. by \*Stanley.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for June 7, 2001:

**Senate Joint Resolution No. 426** -- Memorials, Professional Achievement - Robert Redford. by \*Cohen.

### **SUPPLEMENTAL CONSENT CALENDAR**

**House Resolution No. 145** -- Memorials, Professional Achievement - Rodney D. Simmons. by \*Phillips.

**House Resolution No. 146** -- Memorials, Retirement - Dr. Samuel E. Bratton, Jr. by \*Boyer.

**House Resolution No. 147** -- Memorials, Professional Achievement - Terry Hayes, Tennessee Forestry Association 2001 Logger of the Year. by \*McKee.

**House Joint Resolution No. 536** -- Memorials, Academic Achievement - Brooke Longmire, perfect attendance. by \*Goins.

**House Joint Resolution No. 538** -- Memorials, Recognition - Crumley House, day treatment rehabilitation program for brain injury survivors. by \*Davis (Washington).

**House Joint Resolution No. 539** -- Memorials, Public Service - Urania Latto Alissandratos. by \*DeBerry J.

**House Joint Resolution No. 540** -- Memorials, Public Service - A.D. Alissandratos. by \*DeBerry J.

**House Joint Resolution No. 541** -- Memorials, Interns - Douglas M. Pearce. by \*Jones U (Shelby).

**House Joint Resolution No. 542** -- Memorials, Personal Occasion - Jonathan William Wagner, birth. by \*Mumpower, \*Godsey, \*Westmoreland, \*Davis (Washington).

**House Joint Resolution No. 543** -- Memorials, Retirement - Lester Dale Crews. by \*McDaniel.



**THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

**House Joint Resolution No. 544** -- Memorials, Sports - Germantown High School Baseball Team, 2001 TSSAA Class AAA State Champions. by \*Scroggs, \*Kent, \*Stanley.

**House Joint Resolution No. 545** -- Memorials, Personal Achievement - Christopher David Pickler, Tennessee Eagle Scout of the Year. by \*Stanley.

**House Joint Resolution No. 546** -- Memorials, Academic Achievement - Sarah Elizabeth Taylor, Valedictorian, Cordova High School. by \*Stanley.

**Senate Joint Resolution No. 426** -- Memorials, Professional Achievement - Robert Redford. by \*Cohen.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**ANNOUNCEMENTS**

**RULES SUSPENDED**

Rep. Pruitt moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 419 out of order, which motion prevailed.

**Senate Joint Resolution No. 419** -- Memorials, Recognition - New Downtown Nashville Public Library. by \*Henry, \*Harper.

On motion of Rep. Pruitt, with the request that all members voting aye be added as sponsors, the resolution was concurred in by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 708:** Rep(s). Caldwell as prime sponsor(s).

**House Bill No. 1162:** Rep(s). Arriola as prime sponsor(s).

**House Bill No. 1390:** Rep(s). Caldwell as first prime sponsor(s).

#### MESSAGE FROM THE GOVERNOR

June 7, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 396, without his signature.

JAY BALLARD, Counsel to the Governor.

#### MESSAGE FROM THE GOVERNOR

June 7, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 451, with his approval.

JAY BALLARD, Counsel to the Governor.

**ENGROSSED BILLS**

**June 7, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 531, 532, 533, 534 and 535.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 572; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 525; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 143, 1126, 1527, 1987 and 2022; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 522, 523, 524 and 526; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 531; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 888; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**June 7, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 531.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 7, 2001**

The Speaker signed the following: House Joint Resolution(s) No(s). 531.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 531; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 7, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 531.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**June 7, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 162 and 434.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1728; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 1728** -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by \*Crowe. (HB1749 by \*Turner (Hamilton))

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1055; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**June 7, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2011, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**June 7, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 248, 288, 310, 409, 545, 648, 655, 743, 779, 895, 1038, 1443, 1852, 2005, 2014 and 2015, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 615; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 34 and 228; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 538; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1155.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1618.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**June 7, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 536, 538, 539, 540, 541, 542, 543, 544, 545 and 546.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 40.

The Senate nonconcurred in House Amendment(s) No(s). 4.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 58.

The Senate nonconcurred in House Amendment(s) No(s). 1, 2 and 3.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 93.

The Senate nonconcurred in House Amendment(s) No(s). 2.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 891.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1344.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1487.

The Senate nonconcurred in House Amendment(s) No(s). 2.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 413, 796, 1012, 1812, 1983, 1984 and 1990; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 413** -- Unemployment Compensation - Revises weekly benefit amount paid as unemployment compensation. Amends TCA Section 50-7-301. by \*Jackson, \*Dixon, \*Cooper J, \*Trail, \*Rochelle, \*Kyle, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Crowe, \*Crutchfield, \*Davis L, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Wilder, \*Williams. (HB745 by \*West, \*Jones, S., \*Pinion)

**\*Senate Bill No. 796** -- Criminal Procedure - Enacts "Post-Conviction DNA Analysis Act of 2001." Amends TCA Title 40, Chapter 26 and Title 40, Chapter 30. by \*Cohen. (HB770 by \*Briley)

**Senate Bill No. 1012** -- Business Organizations - Permits one partner to represent partnership in general sessions court when other partners assent to such representation; gives same permission to officer or director of limited liability corporation when all officers or directors assent; limits to organizations with 20 or less employees. Amends TCA Title 16; Title 23, Chapter 1, Part 1; Title 48 and Title 61, Chapter 2. by \*McNally, \*McNally. (\*HB708 by \*Overbey, \*Black, \*Caldwell)

**\*Senate Bill No. 1812** -- Pensions and Retirement Benefits - Allows member of general assembly to continue employment in another position covered by TCRS, draw retirement benefits based on general assembly service while employed in other position, and then draw recomputed retirement benefits based on both positions. Amends TCA Section 8-36-808. by \*Atchley. (HB1714 by \*Rhinehart)

**Senate Bill No. 1983** -- Telecommunications - Redefines "telephone solicitation"; specifies that telephone requests for charitable contributions must be made by bona fide member, volunteer, or direct employee of non-profit organization. Amends TCA Section 65-4-401. by \*Cohen, \*Burchett. (\*HB2018 by \*Kisber)

**Senate Bill No. 1984** -- Milan - Pursuant to local request, authorizes bond issue for construction in Milan Special School District and funding for bond issue. Amends TCA Chapter 504 of the Private Acts of 1945. by \*Carter. (\*HB2021 by \*Phelan, \*Pinion)

**Senate Bill No. 1990** -- Giles County - Subject to local approval, establishes Southern Water Authority. by \*Cooper J. (HB2026 by \*Fowlkes)

**MESSAGE FROM THE SENATE**

**June 7, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 419; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.



**SIGNED**  
**June 7, 2001**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 419.

**ENROLLED BILLS**  
**June 7, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 143, 524, 615, 888, 1055, 1126, 1527, 1987, 2022; House Joint Resolution(s) No(s). 34, 228, 522, 524, 523, 526; also, House Resolution(s) No(s). 142, 145, 146 and 147.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**June 7, 2001**

The Speaker signed the following: House Bill(s) No(s). 143, 524, 615, 888, 1055, 1126, 1527, 1987, 2022; House Joint Resolution(s) No(s). 34, 228, 522, 524, 523, 526; also, House Resolution(s) No(s). 142, 145, 146 and 147.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 7, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 143, 524, 615, 888, 1055, 1126, 1527, 1987, 2022; also, House Joint Resolution(s) No(s). 34, 228, 522, 523, 524, 526; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**CONSENT CALENDAR**  
**June 7, 2001**

The following local bills have been placed on the Consent Calendar for **June 11, 2001**: House Bill(s) No(s). 2021.

**ROLL CALL**

The roll call was taken with the following results:

Present.....93

## **THURSDAY, JUNE 7, 2001 – FORTY-SEVENTH LEGISLATIVE DAY**

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

### **RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m., Monday, June 11, 2001.